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REMARKS

Claims 1-52 are currently pending in the subject application and are presently under consideration. Claims 40, 42, 46, and 48 have been amended while claims 41 and 47 have been canceled herein. Amendments to the specification can be found at page 2. A complete listing of the claims in revised amendment format can be found at pages 3-10. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Objection to the Abstract of the Disclosure

The abstract stands objected to because it exceeds the maximum word limit of 150 words under MPEP 608.01(b). The abstract has been amended herein to limit the length to less than 150 words. Hence, withdrawal of this rejection is respectfully requested.

II. Rejection of Claims 8, 43, and 50 Under 35 U.S.C. § 112

Claims 8, 43, and 50 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Withdrawal of this rejection is respectfully requested for at least the following reasons.

(A) There is sufficient antecedent basis for the limitation "the variable" recited by claim 8. A claim lacks antecedent basis and is therefore indefinite when the claim contains no earlier recitation or limitation of an element such that it would be unclear as to what element the limitation was making reference (*See* MPEP § 2173.05(e)). Here, "variable" is referenced in claim 7, "... adjusting the latency attribute according to a variable." Thus, there is antecedent basis for the recitation of "the variable" by claim 8, and the rejection thereto should be withdrawn.

(B) The limitation "if the first action has committed," as recited by claim 43, is not unclear or indefinite as such language is used clearly throughout the specification. A claim is not indefinite or unclear if reasonably ascertainable by those of skill in the art (MPEP § 2173.05(e) citing *Ex parte Porter*, 25 USPQ2d 1144, 1145 (Bd. Pat. Appl. & Inter. 1992)). The specification discloses in numerous places that actions can either be committed or aborted, for example "determining whether a current action has committed or aborted" (page 12, lines 5-17, page 13, lines 6-13, page 24, lines 14-28, *etc*). Accordingly, a person of skill in the art would not

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be unclear as to the meaning of the limitation recited by claim 43 upon reading the specification. Thus, this rejection should be withdrawn.

(C) There is sufficient antecedent basis for the limitation "the latency attribute," as recited by claim 50. As mentioned above, a claim lacks antecedent basis and is therefore indefinite when the claim contains no earlier recitation or limitation of an element such that it would be unclear as to what element the limitation was making reference (*See* MPEP § 2173.05(e)). Here, "latency attribute" is specifically referenced in claim 50: "... wherein the at least one action includes a latency attribute." Hence, the rejection to the recitation of "the latency attribute" by claim 50 should be withdrawn.

III. Rejection of Claims 1-5, 7-15, 17-23, 25-36, 38-43, and 45-52 Under 35 U.S.C. § 102(b)

Claims 1-5, 7-15, 17-23, 25-36, 38-43, and 45-52 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Srinivasan (U.S. 5,548,506). Withdrawal of this rejection is respectfully requested for at least the following reason. Srinivasan fails to disclose, teach, or suggest all the claim limitations.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that "*each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.*" *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (quoting *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added). In addition, the reference must describe the applicant's claimed invention sufficiently to have placed a person of ordinary skill in the field of the invention in possession of it. *In re Spada*, 911, F.2d 705, 708, 15 USPQ2d 1655, 1657 (Fed. Cir. 1990).

As per independent claims 1, 11, 30, and 32 Srinivasan fails to disclose, teach, or suggest *a latency attribute and comparing the latency attribute with a latency threshold* as recited by claims 1, 11, 30, and 32. In rejecting these claims the Examiner cites a portion of the disclosure in Srinivasan concerning providing task reminders to task leaders at periodic intervals as anticipating the claim. Such disclosure is simply inadequate to establish anticipation as it fails to disclose or teach the claim limitations. Claim language is to be construed in light of the specification (*See Bell Atl. Network Servs., Inc. v. Covad Communications Group, Inc.*, 292 F.3d 1258, 1267-68 (Fed. Cir. 2001)). A latency attribute, as defined in the specification (page 10,

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lines 26-27), represents the expected or estimated time a corresponding action will take to complete. The mere fact that a task reminder is generated at periodic time intervals fails to disclose or teach a latency attribute as recited by the independent claims. Accordingly, the rejection of claims 1, 11, 30, and 32 (as well as claims 2-10, 12-29, 31, and 33-39 depending respectively therefrom) should be withdrawn.

As per claims 40, 46, and 52, Srinivasan fails to disclose, teach, or suggest *selectively compensating a first action based upon abortion of a second action*. In particular, Srinivasan does not disclose or teach *compensating for abortion or failure of actions*. Rather, Srinivasan discloses a method for allocating resources according to priorities. Hence, the rejection of claims 40, 46, and 52 (as well as claims 42-45, 48-50 depending thereon) should be withdrawn.

As per claim 51, Srinivasan fails to disclose teach or suggest *determining the relationship of an action and a transaction based on a transaction boundary, determining the transaction state of the transaction, and performing an operation according to the compensation routine associated with the transaction if an action state is aborted*, as recited. As discussed *supra*, Srinivasan is not concerned with and does not disclose or teach methods relating to aborted actions. Accordingly, this rejection should be withdrawn.

Although Srinivasan and the subject application are both concerned with workflow applications, it should be noted that they are in fact quite different. Srinivasan discloses and teaches a multi-project management system or software application to improve the organizational process for managing multiple projects within an organization. More specifically, Srinivasan discloses the use of a multi-project server to automate the process for planning, tracking, reporting, and managing large or complex projects amongst a plurality of work-groups. The subject invention, however, provides a method for dealing with particular problems among workflow systems or applications, namely data locking for long running transactions.

For long running transactions, data locking may be undesirable, since other transactions may be prevented from running due to the unavailability of database access. As an example, accounting transactions may be prevented from accessing an inventory database to query the inventory of a product subassembly because a long running production control transaction has exclusive access to this data while tracking or managing production of certain units of manufacture which include the subassembly. Locking database resources for significant durations reduces system scalability. (page 4, lines 5-12).

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Srinivasan fails to disclose, and actually teaches away from, the claimed method of *dealing with the data locking problem*. Specifically, Srinivasan teaches avoiding real-time processing of workflow application data and batch processing data at night to simply avoid database file access problems. (See col. 8, lines 6-24). Thus, the claims would also not be obvious in view of Srinivasan.

In view of the aforementioned, claims 1-5, 7-15, 17-23, 25-36, 38-43, and 45-52 are allowable in light of Srinivasan and their allowance is hereby respectfully requested.

IV. Rejection of Claims 6, 16, 24, 37, and 44 Under 35 U.S.C. § 103(a)

Claims 6, 16, 24, 37, and 44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Srinivasan (U.S. 5,548,506). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claims 6, 16, 24, 37, and 44 depend from claims 1, 11, 30 and 40. Independent claims 1, 11, 30, and 40 are allowable for at least the reasons stated above. By virtue of their dependency, dependant claims contain all the limitations of their respective independent claims. Accordingly, claims 6, 16, 24, 37, and 44 are allowable for at least the same reasons as claims 1, 11, 30 and 40. Hence, this rejection should be withdrawn.

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CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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